

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE ZONING REGULATIONS AND ZONING MAP, AS PREVIOUSLY AMENDED, RELATING TO THE USE AND DEVELOPMENT OF AN 8.472± ACRE TRACT OF LAND IN THE WILLIAM PERRIN SURVEY, ABSTRACT NO. 708 AND THE RUFUS SEWELL SURVEY, ABSTRACT NO. 875, PRESENTLY ZONED AS LIGHT INDUSTRIAL “LI” BY CHANGING THE ZONING TO CREATE PLANNED DEVELOPMENT “PD” NO. 131 WITH A BASE ZONING OF SHOPPING CENTER “SC” AND ADOPTING DEVELOPMENT REGULATIONS, A CONCEPT PLAN, AND BUILDING ELEVATIONS; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Allen, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Allen, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that Allen Land Development Code Zoning Regulations and Zoning Map of the City of Allen, Texas, as previously amended, should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. The Allen Land Development Code Zoning Regulations and the Zoning Map of the City of Allen, Collin County, Texas, as previously amended, be further amended relating to the use and development of 8.472± acres of land in the William Perrin Survey, Abstract No. 708 and the Rufus Sewell Survey, Abstract No. 875 described in “Exhibit A,” attached hereto and incorporated herein by reference, (“the Property”) which is presently zoned Light Industrial “LI” by changing the zoning to create Planned Development “PD” No. 131 with a base zoning of Shopping Center “SC” and subject to the use and development regulations set forth in Section 2 of this Ordinance.

SECTION 2. The Property shall be developed and used in accordance with the provisions of the Allen Land Development Code, as amended, (“ALDC”) except to the extent modified by the Development Regulations set forth below:

- A. BASE ZONING DISTRICT:** The Property shall be developed and used in accordance with Shopping Center “SC” zoning regulations except as provided herein.
- B. ADDITIONAL PERMITTED USES:** In addition to the uses permitted within the “SC” zoning district, the Property may be used and developed for the following purposes:
 - (1) Mini-warehouse/public storage, such use being limited to the area shown on the Concept Plan as “Lot 3”;
 - (2) Fueling station, such use being limited to the area shown on the Concept Plan as “Lot 4”; and

- (3) Target Range following approval of a Specific Use Permit for such use.
- C. CONCEPT PLAN:** The Property shall be developed in general conformance with the Concept Plan attached hereto as Exhibit “B” and incorporated herein by reference (“Concept Plan”). Minor modifications to street alignments that do not alter the general alignment shown on the Concept Plan may be made at the time of Site Plan approval.
- D. BUILDING ELEVATIONS:** The buildings constructed on the Property shall be developed in general conformance with the Building Elevations (style and materials) attached hereto as Exhibit “C”, and incorporated herein by reference (the “Elevations”). The red horizontal stripe around the fueling station canopy may not be more than six inches (6”) wide as shown on the Fueling Station Canopy Elevations.
- E. MAXIMUM PERCENT LOT COVERAGE:** 60%
- F. SETBACKS:** Minimum setbacks shall be as shown on the Concept Plan.
- G. PARKING AND ACCESS EASEMENTS:** Prior to or concurrently with approval of any plat subdividing the Property, one or more mutual access easements for vehicle and pedestrian travel and parking shall be granted between and among all lots within the Property providing for cross-access amongst all lots and the right of all lot owners and tenants to use parking areas on all other lots subject to such covenants, restrictions, and agreements as may be established relating to repair, maintenance, and replacement of such parking areas.
- H. TRAFFIC:** Prior to issuance of the first Certificate of Occupancy for any building constructed on the Property, and subject to adjustment based on final designs approved by the Director of Engineering, the following shall be constructed as shown on the Concept Plan:
- (1) Deceleration lanes on Bethany Drive and Greenville Avenue; and
 - (2) Right turn lane extension on Bethany Drive at Greenville Avenue.
- I. FUELING STATION STANDARDS:** Development and use of the Property for a fueling station shall comply with ALDC Section 6.06.2, as amended.
- J. MINI-WHAREHOUSE/PUBLIC STORAGE STANDARDS:** ALDC Section 6.06.5 “Mini-Warehouses/Public Storage” shall apply to the use and development of the mini-warehouse/public storage business operated on the Property with the following modifications and/or additions:
- (1) Notwithstanding ALDC Section 6.06.5.a, an on-site caretaker office and residence is permitted, but not required;
 - (2) Notwithstanding ALDC Section 6.06.5.c, the building housing the storage units may exceed one story, but shall not exceed five (5) stories, and in no case greater than fifty-five feet (55’), in height;
 - (3) Notwithstanding ALDC Section 6.06.5.d, if the building containing the storage units is more than one-story in height, roof-mounted mechanical equipment shall be permitted on the building, but only if screened from public view in accordance with ALDC sec. 7.03.3, as amended;
 - (4) Notwithstanding ALDC Section 6.06.5.i, if the mini-warehouse/public storage business developed on the Property provides for entry into storage units from an interior hallway, the exterior walls of the building may have exterior doors to provide access to the on-site office

and caretaker residence, if applicable, and one or more garage doors to provide entry for vehicles into the building; provided, however, such garage doors must be located and screened as shown on the Concept Plan. In no case shall any door providing entry directly to a storage unit be visible from any public street or any adjacent property; and

- (5) The prohibitions set forth in ALDC Section 6.06.5.k, regarding the conduct of sales, business or any activity other than storage within any individual storage unit shall include, but not be limited to, the conversion of any one or more storage units to an office, retail, or other non-residential use.

SECTION 3. To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Allen governing the use and development of the Property and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 4. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the Allen Land Development Code Zoning Regulations, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Allen Land Development Code Zoning Regulations, as amended hereby, which shall remain in full force and effect.

SECTION 5. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Allen Land Development Code Zoning Regulations, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in Allen Land Development Code Zoning Regulations of the City of Allen, as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

SECTION 7. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Allen, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 26TH DAY OF SEPTEMBER 2017.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:9/14/17:90344)

Shelley B. George, TRMC, CITY SECRETARY

EXHIBIT "A"
LEGAL DESCRIPTION

BEING a tract of land situated in the William Perrin Survey, Abstract No.708 and the Rufus Sewell Survey, Abstract No. 875, City of Allen, Collin County, Texas and being part of Lot 1, Block A and all of Lot 2, Block A of Final Plat of Lots 1-3, Block A of Lyrick Addition, an addition to the City of Allen, according to the plat thereof recorded in Cabinet L, Slide 501, Official Public Records, Collin County, Texas, and part of a tract of land described in Deed to LFP Real Estate, L.P., recorded in Volume 4866, Page 2406, Deed Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the northwest right-of-way line of Greenville Avenue (State Highway No. 5 - a variable width right-of-way) with the southwest right-of-way line of Bethany Drive (a variable width right-of-way), and being the east corner of said Lot 2,

THENCE with said northwest right-of-way line the following courses and distances, to wit:

South 29°56'58" West, a distance of 189.66 feet to a brass disk found;

South 31°54'58" West, a distance of 294.96 feet to a 5/8" iron rod with plastic cap marked "HEWITT ZOLLARS" found for the most easterly north east corner of Lot 3, Block A, of said Lyrick Addition;

THENCE departing said northwest right-of-way line and with the north and east line of said Lot 3, the following courses and distances, to wit:

North 58°05'02" West, a distance of 41.44 feet to a 5/8" iron rod with plastic cap marked "HEWITT ZOLLARS" found;

South 31°54'58" West, a distance of 60.00 feet to an "X" cut in concrete found at the beginning of a non-tangent curve to the left having a central angle of 15°57'36", a radius of 529.00 feet, a chord bearing and distance of North 66°03'50" West, 146.88 feet;

In a northwesterly direction, with said curve to the left, an arc distance of 147.36 feet to an "X" cut in concrete found;

North 74°02'38" West, a distance of 73.36 feet to an "X" cut in concrete found at the beginning of a tangent curve to the right having a central angle of 5°06'36", a radius of 471.00 feet, a chord bearing and distance of North 71°29'20" West, 41.99 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 42.01 feet to a point for corner;

North 68°56'02" West, a distance of 74.05 feet to a point for corner;

North 23°56'02" West, a distance of 69.59 feet to a point for corner;

North 21°03'58" East, a distance of 85.93 feet to an "X" cut in concrete found for the beginning of a tangent curve to the left having a central angle of 20°22'06", a radius of 500.00 feet, a chord bearing and distance of North 10°52'55" East, 176.81 feet;

In a northeasterly direction, with said curve to the left, an arc distance of 177.75 feet to an "X" cut in concrete found;

North 0°41'53" East, a distance of 96.75 feet to a point at the beginning of a tangent curve to the right having a central angle of 16°34'20", a radius of 738.50 feet, a chord bearing and distance of North 8°59'02" East, 212.86 feet;

In a northeasterly direction, with said curve to the right, passing at an arc distance of 113.70 feet an "X" cut in concrete found for the west corner of said Lot 2, and continuing a total arc distance of 213.60 feet to an "X" cut in concrete found for the most northerly northeast corner of said Lot 3;

THENCE departing said north and east line and with the east line of a 24-foot Fire Lane, Mutual Access & Water Easement, the following courses and distances to wit:

North 17°09'01" East, a distance of 29.26 feet to a point for corner;

North 21°03'58" East, a distance of 228.04 feet to a point at the beginning of a tangent curve to the left having a central angle of 30°33'53", a radius of 130.00 feet, a chord bearing and distance of North 5°46'58" East, 68.53 feet;

In a northeasterly direction, with said curve to the left, an arc distance of 69.35 feet to a point at the beginning of a reverse curve to the right having a central angle of 77°41'42", a radius of 20.00 feet, a chord bearing and distance of North 29°20'28" East, 25.09 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 27.12 feet to a point for corner;

North 68°10'58" East, a distance of 30.58 feet to a point for corner in said southwest right-of-way line;

THENCE with said southwest right-of-way line the following courses and distances, to wit:

South 21°48'18" East, a distance of 213.86 feet to a 5/8" iron rod with plastic cap marked "HEWITT ZOLLARS" found;

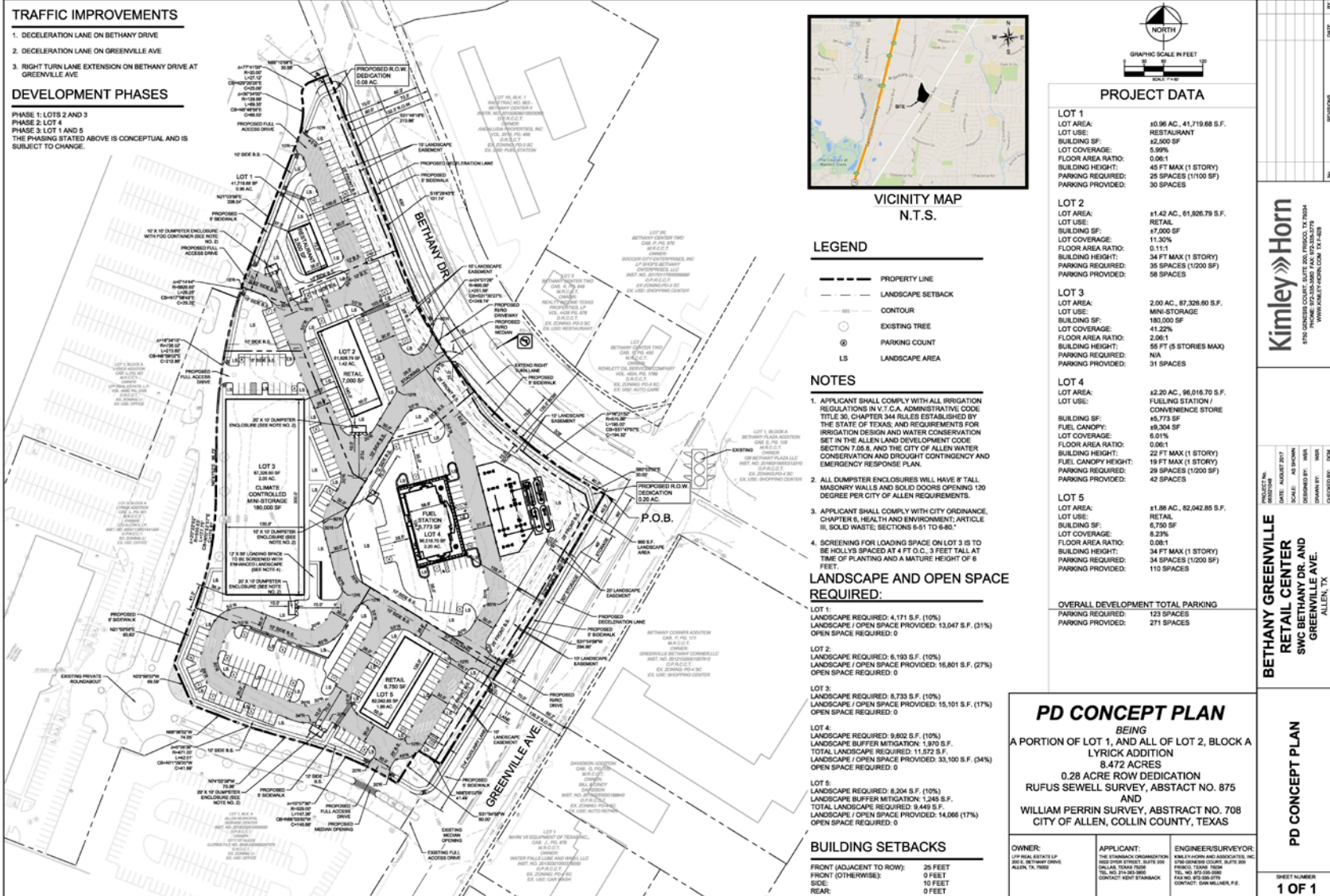
South 19°29'43" East, a distance of 101.74 feet to a 5/8" iron rod with plastic cap marked "HEWITT ZOLLARS" found at the beginning of a tangent curve to the left having a central angle of 24°01'28", a radius of 600.00 feet, a chord bearing and distance of South 31°30'27" East, 249.74 feet;

In a southeasterly direction, with said curve to the left, passing at an arc distance of 88.13 feet a 5/8" iron rod with plastic cap marked "HEWITT ZOLLARS" found for the north corner of said Lot 2, and continuing a total arc distance of 251.58 feet to a point at the beginning of a compound curve to the left having a central angle of 16°31'51", a radius of 675.87 feet, a chord bearing and distance of South 51°47'07" East, 194.32 feet;

In a southeasterly direction, with said curve to the left, an arc distance of 195.00 feet to point for corner;

South 60°03'02" East, a distance of 30.00 feet to the **POINT OF BEGINNING** and containing 8.472 acres (369,021 square feet) of land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



GEN III Material Percentage Table			
	FRONT FACADE:	SIDE FACADES:	REAR FACADE:
TOTAL	2187 SF	1125 SF	1863 SF
ATLAS BRICK	35%	41%	73%
PORCELAIN TILE	22%	24%	18%
TOTAL MASONRY	57%	65%	91%
FACIA/ CANOPY	14%	17%	5%
DOORS/ WINDOWS	23%	18%	4%

MASONRY (EXCLUDING DOORS/WINDOWS)			
TOTAL	85%	83%	96%

Building Height 22' - 0" Top of Cornice

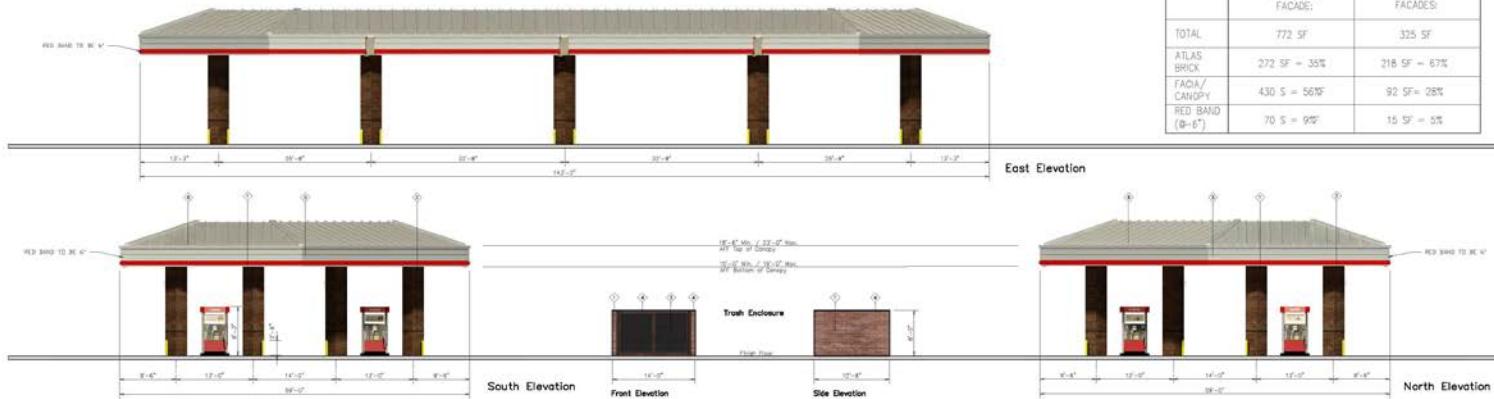


EXHIBIT "C"
BUILDING ELEVATIONS



Top of Canopy 23' - 0"

Canopy Material Percentage Table		
	FRONT/REAR FACADE:	SIDE FACADES:
TOTAL	772 SF	325 SF
ATLAS BRICK	272 SF = 35%	218 SF = 67%
FACIA/ CANOPY	430 S = 56%	92 SF = 28%
RED BAND (8'-6")	70 S = 9%	15 SF = 5%



	Store #	0926 Double Stack 8 Canopy Elevations		Address: SE Corner Bethany Dr. & Greenville		City, State:	Allen, TX	<table><thead><tr><th>Q</th><th>FINISH</th><th>MANUFACTURER</th><th>SPECIFICATION</th></tr></thead><tbody><tr><td>1</td><td>Brick</td><td>Atlas Brick</td><td>Atlas Brick</td></tr><tr><td>2</td><td>Canopy</td><td>QuikTrip</td><td>QuikTrip</td></tr><tr><td>3</td><td>Trash Enclosure</td><td>QuikTrip</td><td>QuikTrip</td></tr></tbody></table>	Q	FINISH	MANUFACTURER	SPECIFICATION	1	Brick	Atlas Brick	Atlas Brick	2	Canopy	QuikTrip	QuikTrip	3	Trash Enclosure	QuikTrip	QuikTrip
	Q	FINISH	MANUFACTURER	SPECIFICATION																				
1	Brick	Atlas Brick	Atlas Brick																					
2	Canopy	QuikTrip	QuikTrip																					
3	Trash Enclosure	QuikTrip	QuikTrip																					
	Serial #	08-0926-GD08	Scale: 1/16"=1'-0"	Issue Date: 08.23.17	Drawn By: JK	Rev/Notes:																		



EXHIBIT "C"
BUILDING ELEVATIONS cont.